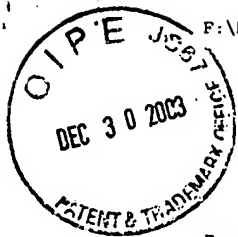


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Johann F. Hellenkamp
Serial No.: 10/062,178
Filing Date: January 31, 2002
For: AUTOMATIC SURGICAL DEVICE AND CONTROL ASSEMBLY
FOR CUTTING A CORNEA

Group Art Unit 3731

2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129
December 30, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
JAN 05 2004
TECHNOLOGY CENTER R3700

Dear Sir:

CERTIFICATE OF EXPRESS MAILING

I HEREBY CERTIFY that this correspondence is being deposited by United States Express Mail, Label No. EL-920-407-963-US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 30 day of December, 2003.

Respectfully submitted,

MALLOY & MALLOY, P.A.
2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129
(305) 858-8000

By:

Peter A. Matos
Reg. No. 37,884

Date: 12/30/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Johann F. Hellenkamp

Serial No.: 10/062,178

Filing Date: January 31, 2002

For: IMPROVED AUTOMATIC SURGICAL DEVICE AND CONTROL
ASSEMBLY FOR CUTTING A CORNEA

Group Art Unit 3731
Confirmation No. 9383
Customer No. 4912

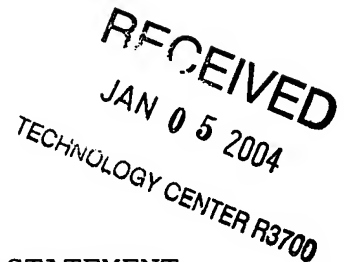
2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129
December 30, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with Applicant's duty of disclosure, the documents listed below are provided for consideration by the U.S. Patent and Trademark Office in connection with the above-captioned application. The majority of these documents relate to litigation in the matter of Bausch & Lomb Surgical, Inc. v. Oasis Medical, Inc., the docket sheet having been previously provided [U.S. District Court for the Central District of California, Civil Docket for Case No.: 00-CV-11298, Bausch & Lomb Inc. v. Oasis Medical Inc., 2003]. Also, a few additional documents developed during litigation are also being provided herewith for the Examiner's consideration.



Each document provided herewith is also listed on the attached form PTO-1449 (Modified) which includes a cross reference to the file name of each document on the Data CD, which is also enclosed. The Data CD includes an electronic copy of each document listed below and on form PTO-1449 (Modified) in portable document format (PDF), to facilitate the Examiner's review. As discussed with the Examiner regarding submittal of the initial Information Disclosure Statement in connection with the above-captioned application, a hard copy of each document listed below will be provided upon request.

Additional Documents Related to Litigation
Bausch & Lomb Surgical, Inc. v. Oasis Medical, Inc.

Order Granting Stipulation for Filing of Second Amended Complaint, Additional Depositions, and Modifications of Case Management Schedule, Including Unsigned Second Amended Complaint;

Notice of Subpoena Duces Tecum to Moria USA;

Amended Notice of Videotaped Deposition of Mark Anderson;

Amended Notice of 30(b)(6) Deposition of Defendant Oasis Medical, Inc.;

Amended Notice of Videotaped Deposition of Norman Delgado;

Amended Notice of Videotaped Deposition of Yvonne Fernandez;

Plaintiff Bausch & Lomb Surgical, Inc.'s Responses to
Second Set of Requests for Documents and Things;

Defendant's Responses to B&L's Fourth Set of Requests
for Production of Documents (Set No. Four);

Defendant's Answer to Second Amended Complaint and
Counterclaims;

Defendant's Responses to B&L's Second Set of Requests
for Admissions (Nos. 73-185);

Defendant's Responses to B&L's Fourth Set of Requests
for Production of Documents (Set No. Four);

Defendant's Responses to B&L's Second Set of
Interrogatories (Nos. 13-15);

Notice of Continuation of Videotaped Deposition of
Norman Delgado and as 30(b)(6) Deponent for Categories
1-9, 12, 14-17, 24, 26, 27, and 30;

Amended Notice of Videotaped Deposition of Yvonne
Fernandez, Individually, and as 30(b)(6) Deponent for
Categories 13, 28, and 29;

Amended Notice of 30(b)(6) Deposition for Categories
18-23, William Hagel Designated Deponent;

Defendant's Second Set of Requests for Admissions to
B&L (Nos. 29-89);

Defendant's Second Set of Interrogatories to B&L (No.
20);

Defendant's Third Set of Requests for the Production of
Documents and Things to B&L (Nos. 201-250);

Defendant's First Supplemental Initial Disclosures;

Notice of Taking Videotaped Deposition of Gregory M. Hasley;

Notice of Taking Videotaped Deposition of Craig Larson;

Defendant's Amended Answer to Second Amended Complaint and Counterclaims;

Notice of Deposition of Plaintiff Bausch & Lomb Surgical, Inc. (Fed. R. Civ. P. 30(b)(6));

B&L's Fifth Set of Requests for Production to Defendant;

B&L's Third Set of Interrogatories to Defendant;

B&L's Third Set of Requests for Admissions to Defendant;

B&L's Objections to Defendant's Notice of Taking Videotaped Deposition of Craig Larson;

Defendant's Third Set of Interrogatories to B&L (Nos. 21-25);

Defendant's Fourth Set of Requests for the Production of Documents and Things to B&L (Nos. 251-297);

Defendant's Second Supplemental Initial Disclosures;

B&L's Objections to Defendant's Notice of Deposition of Plaintiff Bausch & Lomb Surgical, Inc. (Fed. R. Civ. P. 30(b)(6));

Defendant's Notice of *Ex Parte* Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition;

Notice of Filing Under Seal Defendant's Memorandum of Points and Authorities, Ben Davidson's Second Declaration in Support of Defendant's Notice of *Ex Parte* Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition;

First Declaration of Ben M. Davidson in Support of Defendant's Notice of *Ex Parte* Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition;

Declaration of Bradley J. Sparks in Support of Defendant's *Ex Parte* Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition;

[PROPOSED] Order Granting Defendant's *Ex Parte* Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition;

Appendix of Lexis and Westlaw Cases Cited by Defendant in its Memorandum of Points and Authorities in Support of Defendant's *Ex Parte* Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition;

Defendant's Fourth (sic) Supplemental Initial Disclosures;

Notice of Deposition and Production of Documents of Non-Party Witness Russell Koepnick Pursuant to Subpoena Dated 9-25-03;

B&L's Notice of Motion and Motion to Strike and Dismiss the Allegations, Affirmative Defenses, and Counterclaims Asserted in Defendant's Answer to Second Amended Complaint and Counterclaims Pursuant to Fed. R. Civ. P. 12 and 15, and Authorities in Support Thereof;

Declaration of Gregory M. Hasley with Attached Exhibits in Support of B&L's Motion to Strike and Dismiss the Allegations, Affirmative Defenses, and Counterclaims Asserted in Defendant's Answer to Second Amended Complaint and Counterclaims;

Notice of Deposition and Production of Documents of Non-Party Witness Alok Nigam Pursuant to Subpoena Dated 9-26-03;

Amended Proof of Service of *Ex Parte* Docs Filed 09/24/03;

B&L's Opposition to Defendant's *Ex Parte* Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition;

Declarations of Jay C. Gandhi and Gregory M. Hasley In Opposition to Defendant's *Ex Parte* Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition;

Evidentiary Objections and Motion to Strike by B&L to the First Declaration of Ben M. Davidson in Opposition to Defendant's *Ex Parte* Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition;

Evidentiary Objections and Motion to Strike by B&L to the Declaration of Bradley J. Sparks in Opposition to Defendant's *Ex Parte* Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition;

Civil Minutes - General:

Defendant's *Ex Parte* Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition is Denied;

Defendant's Request for Reconsideration of the Denial of Its *Ex Parte* Application for an Order Requiring the Deposition of Gregory Hasley at a Deposition;

B&L's September 30, 2003, Cumulative Amended Answers and Objections to Interrogatories 1-19;

Notice of Continued Deposition of Eric Weinberg;

Notice of Videotaped Deposition of Fred Janette;

B&L's Brief and Declaration of Gregory M. Hasley in Opposition to Defendant's Request for Reconsideration of the Denial of Its *Ex Parte* Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition;

Defendant's Notice of *Ex Parte* Application and Application for a Telephonic Scheduling Conference Regarding Bifurcation or Severance of Antitrust and Related Unfair Competition Counterclaims;

Memorandum of Points and Authorities in Support of Defendant's *Ex Parte* Application for a Telephonic Scheduling Conference Regarding Bifurcation or Severance of Antitrust and Related Unfair Competition Counterclaims;

Declaration of Richard J. Coddington in Support of Defendant's *Ex Parte* Application for a Telephonic Scheduling Conference Regarding Bifurcation or Severance of Antitrust and Related Unfair Competition Counterclaims;

Declaration of Ben M. Davidson in Support of Defendant's Memorandum of Points and Authorities in Support of *Ex Parte* Application for a Telephonic Scheduling Conference Regarding Bifurcation or Severance of Antitrust and Related Unfair Competition Counterclaims;

Appendix of Lexis and West Law Cases Cited by Defendant in Its Memorandum of Points and Authorities in Support of Defendant's *Ex Parte* Application for a Telephonic Scheduling Conference Regarding Bifurcation or Severance of Antitrust and Related Unfair Competition Counterclaims;

[PROPOSED] Order Granting Defendant's *Ex Parte* Application for a Telephonic Scheduling Conference Regarding Bifurcation or Severance of Antitrust and Related Unfair Competition Counterclaims;

B&L's Opposition to Defendant's *Ex Parte* Application for a Telephonic Scheduling Conference Regarding Bifurcation or Severance of Antitrust and Related Unfair Competition Counterclaims;

Notice of Taking Videotaped Deposition of David Clonts;

Notice of Subpoena for Production of Documents from
Non-Party Witness Russell Koepnick;

Amended Notice of Videotaped Deposition of Fred
Janette;

Second Amended Notice of Videotaped Deposition of Fred
Janette;

Order Denying Defendant's *Ex Parte* Application for
Telephonic Scheduling Conference Regarding Bifurcation
or Severance of Antitrust and Related Unfair
Competition Counterclaims;

Civil Minutes - General:

Withdrawal of Order Dated September 30, 2003, and
Defendant's *Ex Parte* Application for an Order
Compelling Attendance of Gregory Hasley at a Deposition
is Denied Without Prejudice;

B&L's Responses to Defendant's Second Set of
Interrogatories (No. 20);

B&L's Responses to Defendant's Third Set of Requests
for Production of Documents and Things (Nos. 201-250);

B&L's Responses to Defendant's Second Set of Requests
for Admissions (Nos. 29-89);

Notice of Taking Non-Party Deposition of Dr. Mitchell
A. Jackson;

Notice of Subpoena *Duces Tecum* to Akin Gump Strauss
Hauer & Feld, LLP;

Notice of Voluntary Dismissal of Counterclaims Pursuant to Rule 41(a)(1)(i) Fed. R. Civ. P.;

Amended Notice of Deposition and Production of Documents of Non-Party Witness Alok Nigam Pursuant to Subpoena Dated 9-26-03;

Notice of Filing Under Seal Defendant's Memorandum of Points and Authorities and Declaration of Ben M. Davidson in Support of Defendant's Opposition to B&L's Motion to Strike and Dismiss the Allegations, Affirmative Defenses, and Counterclaims Asserted in Defendant's Answer to Second Amended Complaint and Counterclaims Pursuant to Fed. R. Civ. P. 12 and 15;

Appendix of Lexis and West Law Cases Cited by Defendant in Its Opposition to B&L's Motion to Strike and Dismiss the Allegations, Affirmative Defenses, and Counterclaims Asserted in Defendant's Answer to Second Amended Complaint and Counterclaims Pursuant to Fed. R. Civ. P. 12 and 15;

Declaration of Ben M. Davidson in Support of Defendant's Opposition to B&L's Motion to Strike and Dismiss the Allegations, Affirmative Defenses, and Counterclaims Asserted in Defendant's Answer to Second Amended Complaint and Counterclaims Pursuant to Fed. R. Civ. P. 12 and 15;

Defendant's Responses to B&L's Fifth Set of Requests for Production of Documents to Defendant (Set No. Five);

Defendant's Responses to B&L's Third Set of Requests for Admissions (Set No. Three);

Defendant's Responses to B&L's Third Set of Interrogatories to Defendant (Set No. Three);

Objections by Non-Party Akin, Gump, Strauss, Hauer & Feld, L.L.P. and B&L to Defendant's Notice of Subpoena *Duces Tecum* and Requests for Production of Documents Contained Therein;

B&L's Responses to Defendant's Third Set of Interrogatories (Nos. 21-25);

B&L's Responses to Defendant's Fourth Set of Requests for Production of Documents and Things (Nos. 251-297);

Notice of Withdrawal of B&L's Motion to Strike and Dismiss the Allegations, Affirmative Defenses, and Counterclaims Asserted in Defendant's Answer;

Stipulation for Temporary Stay in Order to Conduct Expedited Mediation; Proposed Order;

Order Granting Stipulation for Temporary Stay in Order to Conduct Expedited Mediation;

Civil Minutes - General:

In Chambers Conference Call Discussing Status of Case;

Civil Minutes - General:

In Chambers Settlement Conference Discussing Status of Case AND Settlement is Placed;

Final Judgment and Injunction; and

Stipulation to Vacate Claim Construction Rulings Entered July 18, 2001 and July 19, 2002; Order.

Other Documents

1. BARRAQUER, Editor, "Refractive Keratoplasty (Compilation Of Reprints) Volume 1," Instituto Barraquer de America, Bogata, Columbia, March 1970;
2. BURATTA ET AL., Editors, "LASIK Principles and Techniques," SLACK Inc., Chs. 4, 6-7, 12-13, 23-24, 26-27, and 33, 1998;
3. BURATTA ET AL., Editors, "LASIK Surgical Techniques and Complications," SLACK Inc., Chs. 4-8, and 13-20, 2000;
4. GIMBEL ET AL., "LASIK Complications: Prevention and Management," SLACK, Inc., Chs. 3-5, and 9, 1999;
5. MACHAT, "Excimer Laser Refractive Surgery," SLACK Inc., Chs. 8, 10, 12, and Appendices, 1996;
6. MICROTECH, INC., Moria LASIK "One" Microkeratome Product Information, Bate Stamp Nos. BLOA004553-BLOA004556, <http://www.microtechinc.com>;
7. MORIA, LASIK "One" Microkeratome Product Information, Bate Stamp No. BLOA017127, <http://www.moria-surgical.com>, (accessed 10-20-2000);
8. MORIA, LASIK "One" Microkeratome Product Information, Bate Stamp Nos. BLOA021123-BLOA021137, <http://www.moria-surgical.com>, (accessed 10-20-2000);
9. MORIA, "LSK ONE Instruction Manual LSK-Classic "ONE" Microkeratome Head," Version ME-LKS ONE-VA-19/8/97, Bate Stamp Nos. OM20790-OM20826, 1997;

10. MORIA, "LSK ONE Instruction Manual LSK-Classic "ONE" Microkeratome Head," Version ME-LKS ONE-VA-19/8/97, Bate Stamp Nos. MORIA003830-MORIA003868, 1997. (Alternate Version);

11. MORIA, "LSK ONE Instruction Manual Part 2/2 *LSK-ONE Microkeratome Head and Accessories," Version ME-ONE-VA-08/06/00, Bate Stamp Nos. MORIA000827-MORIA000852, 2000;

12. MORIA, LSK One Microkeratome Product Brochure, Bate Stamp Nos. BL001108-BL001111;

13. ROZAKIS, "Refractive Lamellar Keratoplasty," SLACK Inc., 1994;

14. SINGER, "Adjustable Power and Positioning Options Define New Microkeratome," Ocular Surgery News, Vol. 16, No. 21, November 1, 1998, Reprinted by SLACK Inc., 1998; and

15. SINGER, "Adjustable Power and Positioning Options Define New Microkeratome," Ocular Surgery News, Vol. 16, No. 21, November 1, 1998, Reprinted by SLACK Inc., 1998 (Alternate Version).

The Applicant again notes that the majority of the documents cited above result from litigation in the above-referenced matter of Bausch & Lomb Surgical, Inc. v. Oasis Medical, Inc., and, in an abundance of caution, they are provided herewith for the Examiner's consideration. Although this matter is now resolved and a Final Judgment has been entered, certain documents contain confidential information which the Applicant can not provide to the Examiner for

consideration, once again, to prevent violation of the Protective Order which remains in effect.

More in particular, the Applicant provides the foregoing documents in an abundance of caution for the Examiner's consideration of the issues raised over the course of this lawsuit and which the Examiner may deem relevant to the patentability of the present invention. The Applicant acknowledges the considerable volume of documents presented herewith and with the initial and supplemental Information Disclosure Statements previously filed in this case and, solely in the interest of facilitating the Examiner's review, the Applicant respectfully directs the Examiner's attention to the following documents.

To begin, the Examiner is directed to the "Defendant's Answer to Second Amended Complaint and Counterclaims" (BLOM227) and "Defendant's Amended Answer to Second Amended Complaint and Counterclaims" (BLOM240), which may provide the best overall summary of Defendant Oasis Medical, Inc.'s position in this matter. In addition, the Examiner is invited to review the "Memorandum of Decision re: Defendant's Motion for Summary Judgment of Invalidity of the Asserted Claims of the '009 Patent for Failure to Comply with the Best Mode Requirement of 35 U.S.C. §112, Paragraph One" (BLOM173), which was previously submitted with the Second Supplemental Information Disclosure Statement filed on August 6, 2003. This document may provide the best summary of each party's position with regard to the 'best mode' issue, as well as the Court's position on this matter. The Examiner is also directed to

Defendant Oasis Medical, Inc.'s various responses to Bausch & Lomb's interrogatories which cumulatively provide at least a general outline Defendant's position with regard to invalidity, enforceability, and other issues which the Examiner may deem relevant to patentability.

As indicated above, the Applicant points out these specific documents solely in the interest of providing the Examiner with at least some initial guidance for consideration of the numerous documents submitted herewith, however, the Applicant does not in any manner wish to suggest that these are the only documents which the Examiner may deem relevant to the patentability of the present application, and the Examiner is, of course, encouraged to conduct his own review and derive his own conclusions with regard to the relevance or lack thereof of the various documents provided herewith, or as provided with the initial and supplemental Information Disclosure Statements previously filed in the present case.

The Examiner is respectfully requested to return a copy of an initialled PTO-1449 (Modified) evidencing consideration of this information with the next Office Action.

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Respectfully submitted,

MALLOY & MALLOY, P.A.
Attorneys for Applicant
2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129
(305) 858-8000

By: 

Jennie S. Malloy
Reg. No. 37,670
Peter A. Matos
Reg. No. 37,884

Dated: 12/30/03

PTO - 1449 (Modified) DEC 30 2003	APPLICANT Johann F. Hellenkamp	ATTORNEY DOCKET NO. 1.096.01
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	SERIAL NUMBER 10/062,178	CUSTOMER NUMBER 4912
THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT	FILING DATE January 31, 2002	GROUP ART UNIT 3731

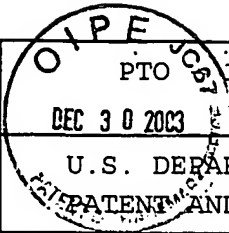
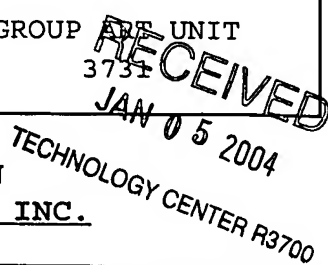
**ADDITIONAL DOCUMENTS RELATED TO LITIGATION
BAUSCH & LOMB SURGICAL, INC. v. OASIS MEDICAL, INC.**

Examiner's Initials	Document	Data CD Reference Number
	Order Granting Stipulation for Filing of Second Amended Complaint, Additional Depositions, and Modifications of Case Management Schedule, Including Unsigned Second Amended Complaint	BLOM219
	Notice of Subpoena Duces Tecum to Moria USA	BLOM220
	Amended Notice of Videotaped Deposition of Mark Anderson	BLOM221
	Amended Notice of 30(b)(6) Deposition of Defendant Oasis Medical, Inc.	BLOM222
	Amended Notice of Videotaped Deposition of Norman Delgado	BLOM223
	Amended Notice of Videotaped Deposition of Yvonne Fernandez	BLOM224
	Plaintiff Bausch & Lomb Surgical, Inc.'s Responses to Second Set of Requests for Documents and Things	BLOM225
	Defendant's Responses to B&L's Fourth Set of Requests for Production of Documents (Set No. Four)	BLOM226
	Defendant's Answer to Second Amended Complaint and Counterclaims	BLOM227
	Defendant's Responses to B&L's Second Set of Requests for Admissions (Nos. 73-185)	BLOM228
	Defendant's Responses to B&L's Fourth Set of Requests for Production of Documents (Set No. Four)	BLOM229
	Defendant's Responses to B&L's Second Set of Interrogatories (Nos. 13-15)	BLOM230
	Notice of Continuation of Videotaped Deposition of Norman Delgado and as 30(b)(6) Deponent for Categories 1-9, 12, 14-17, 24, 26, 27, and 30	BLOM231
	Amended Notice of Videotaped Deposition of Yvonne Fernandez, Individually, and as 30(b)(6) Deponent for Categories 13, 28, and 29	BLOM232
	Amended Notice of 30(b)(6) Deposition for Categories 18-23, William Hagel Designated Deponent	BLOM233

PTO 1449 (Modified) DEC 30 2003	APPLICANT Johann F. Hellenkamp	ATTORNEY DOCKET NO. 1.096.01
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	SERIAL NUMBER 10/062,178	CUSTOMER NUMBER 4912
THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT	FILING DATE January 31, 2002	GROUP ART UNIT 3731

**ADDITIONAL DOCUMENTS RELATED TO LITIGATION
BAUSCH & LOMB SURGICAL, INC. v. OASIS MEDICAL, INC.**

Examiner's Initials	Document	Data CD Reference Number
	Defendant's Second Set of Requests for Admissions to B&L (Nos. 29-89)	BLOM234
	Defendant's Second Set of Interrogatories to B&L (No. 20)	BLOM235
	Defendant's Third Set of Requests for the Production of Documents and Things to B&L (Nos. 201-250)	BLOM236
	Defendant's First Supplemental Initial Disclosures	BLOM237
	Notice of Taking Videotaped Deposition of Gregory M. Hasley	BLOM238
	Notice of Taking Videotaped Deposition of Craig Larson	BLOM239
	Defendant's Amended Answer to Second Amended Complaint and Counterclaims	BLOM240
	Notice of Deposition of Plaintiff Bausch & Lomb Surgical, Inc. (Fed. R. Civ. P. 30(b)(6))	BLOM241
	B&L's Fifth Set of Requests for Production to Defendant	BLOM242
	B&L's Third Set of Interrogatories to Defendant	BLOM243
	B&L's Third Set of Requests for Admissions to Defendant	BLOM244
	B&L's Objections to Defendant's Notice of Taking Videotaped Deposition of Craig Larson	BLOM245
	Defendant's Third Set of Interrogatories to B&L (Nos. 21-25)	BLOM246
	Defendant's Fourth Set of Requests for the Production of Documents and Things to B&L (Nos. 251-297)	BLOM247
	Defendant's Second Supplemental Initial Disclosures	BLOM248
	B&L's Objections to Defendant's Notice of Deposition of Plaintiff Bausch & Lomb Surgical, Inc. (Fed. R. Civ. P. 30(b)(6))	BLOM249
	Defendant's Notice of <i>Ex Parte</i> Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition	BLOM250

 PTO 1449 (Modified) DEC 30 2003 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	APPLICANT Johann F. Hellenkamp	ATTORNEY DOCKET NO. 1.096.01
	SERIAL NUMBER 10/062,178	CUSTOMER NUMBER 4912
THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT	FILING DATE January 31, 2002	GROUP APP UNIT 3731 

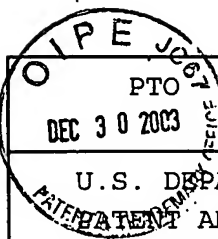
ADDITIONAL DOCUMENTS RELATED TO LITIGATION
BAUSCH & LOMB SURGICAL, INC. v. OASIS MEDICAL, INC.

Examiner's Initials	Document	Data CD Reference Number
	Notice of Filing Under Seal Defendant's Memorandum of Points and Authorities, Ben Davidson's Second Declaration in Support of Defendant's Notice of Ex Parte Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition	BLOM251
	First Declaration of Ben M. Davidson in Support of Defendant's Notice of Ex Parte Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition	BLOM252
	Declaration of Bradley J. Sparks in Support of Defendant's Ex Parte Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition	BLOM253
	[PROPOSED] Order Granting Defendant's Ex Parte Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition	BLOM254
	Appendix of Lexis and Westlaw Cases Cited by Defendant in its Memorandum of Points and Authorities in Support of Defendant's Ex Parte Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition	BLOM255
	Defendant's Fourth (sic) Supplemental Initial Disclosures	BLOM256
	Notice of Deposition and Production of Documents of Non-Party Witness Russell Koepnick Pursuant to Subpoena Dated 9-25-03	BLOM257
	B&L's Notice of Motion and Motion to Strike and Dismiss the Allegations, Affirmative Defenses, and Counterclaims Asserted in Defendant's Answer to Second Amended Complaint and Counterclaims Pursuant to Fed. R. Civ. P. 12 and 15, and Authorities in Support Thereof	BLOM258

PTO 1449 (Modified) DEC 30 2003	APPLICANT Johann F. Hellenkamp	ATTORNEY DOCKET NO. 1.096.01
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	SERIAL NUMBER 10/062,178	CUSTOMER NUMBER 4912
THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT	FILING DATE January 31, 2002	GROUP ART UNIT 3731

RECEIVED
 JAN 05 2004
 ADDITIONAL DOCUMENTS RELATED TO LITIGATION
 BAUSCH & LOMB SURGICAL, INC. v. OASIS MEDICAL, INC.

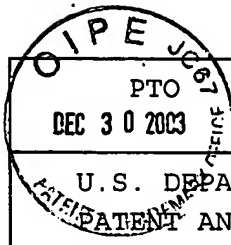
Examiner's Initials	Document TECHNOLOGY CENTER R3700	Data CD Reference Number
	Declaration of Gregory M. Hasley with Attached Exhibits in Support of B&L's Motion to Strike and Dismiss the Allegations, Affirmative Defenses, and Counterclaims Asserted in Defendant's Answer to Second Amended Complaint and Counterclaims	BLOM259
	Notice of Deposition and Production of Documents of Non-Party Witness Alok Nigam Pursuant to Subpoena Dated 9-26-03	BLOM260
	Amended Proof of Service of <i>Ex Parte</i> Docs Filed 09/24/03	BLOM261
	B&L's Opposition to Defendant's <i>Ex Parte</i> Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition	BLOM262
	Declarations of Jay C. Gandhi and Gregory M. Hasley In Opposition to Defendant's <i>Ex Parte</i> Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition	BLOM263
	Evidentiary Objections and Motion to Strike by B&L to the First Declaration of Ben M. Davidson in Opposition to Defendant's <i>Ex Parte</i> Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition	BLOM264
	Evidentiary Objections and Motion to Strike by B&L to the Declaration of Bradley J. Sparks in Opposition to Defendant's <i>Ex Parte</i> Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition	BLOM265
	Civil Minutes - General: Defendant's <i>Ex Parte</i> Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition is Denied	BLOM266
	Defendant's Request for Reconsideration of the Denial of Its <i>Ex Parte</i> Application for an Order Requiring the Deposition of Gregory Hasley at a Deposition	BLOM267



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ADDITIONAL DOCUMENTS RELATED TO LITIGATION
BAUSCH & LOMB SURGICAL, INC. v. COZSIS MEDICAL, INC.

Examiner's Initials	Document JAN 05 2004 TECHNOLOGY CENTER R3700	Data CD Reference Number
	B&L's September 30, 2003, Cumulative Amended Answers and Objections to Interrogatories 1-19	BLOM268
	Notice of Continued Deposition of Eric Weinberg	BLOM269
	Notice of Videotaped Deposition of Fred Janette	BLOM270
	B&L's Brief and Declaration of Gregory M. Hasley in Opposition to Defendant's Request for Reconsideration of the Denial of Its <i>Ex Parte</i> Application for an Order Compelling the Attendance of Gregory Hasley at a Deposition	BLOM271
	Defendant's Notice of <i>Ex Parte</i> Application and Application for a Telephonic Scheduling Conference Regarding Bifurcation or Severance of Antitrust and Related Unfair Competition Counterclaims	BLOM272
	Memorandum of Points and Authorities in Support of Defendant's <i>Ex Parte</i> Application for a Telephonic Scheduling Conference Regarding Bifurcation or Severance of Antitrust and Related Unfair Competition Counterclaims	BLOM273
	Declaration of Richard J. Coddington in Support of Defendant's <i>Ex Parte</i> Application for a Telephonic Scheduling Conference Regarding Bifurcation or Severance of Antitrust and Related Unfair Competition Counterclaims	BLOM274
	Declaration of Ben M. Davidson in Support of Defendant's Memorandum of Points and Authorities in Support of <i>Ex Parte</i> Application for a Telephonic Scheduling Conference Regarding Bifurcation or Severance of Antitrust and Related Unfair Competition Counterclaims	BLOM275
	Appendix of Lexis and West Law Cases Cited by Defendant in Its Memorandum of Points and Authorities in Support of Defendant's <i>Ex Parte</i> Application for a Telephonic Scheduling Conference Regarding Bifurcation or Severance of Antitrust and Related Unfair Competition Counterclaims	BLOM276

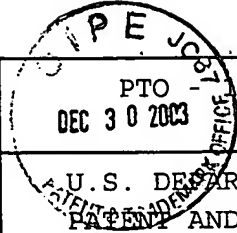


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**ADDITIONAL DOCUMENTS RELATED TO LITIGATION
BAUSCH & LOMB SURGICAL, INC. v. OASIS MEDICAL, INC.**

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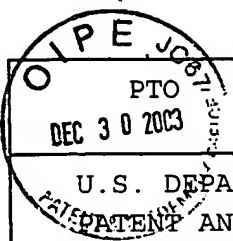
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	[PROPOSED] Order Granting Defendant's <i>Ex Parte</i> Application for a Telephonic Scheduling Conference Regarding Bifurcation or Severance of Antitrust and Related Unfair Competition Counterclaims	BLOM277
	B&L's Opposition to Defendant's <i>Ex Parte</i> Application for a Telephonic Scheduling Conference Regarding Bifurcation or Severance of Antitrust and Related Unfair Competition Counterclaims	BLOM278
	Notice of Taking Videotaped Deposition of David Clonts	BLOM279
	Notice of Subpoena for Production of Documents from Non-Party Witness Russell Koepnick	BLOM280
	Amended Notice of Videotaped Deposition of Fred Janette	BLOM281
	Second Amended Notice of Videotaped Deposition of Fred Janette	BLOM282
	Order Denying Defendant's <i>Ex Parte</i> Application for Telephonic Scheduling Conference Regarding Bifurcation or Severance of Antitrust and Related Unfair Competition Counterclaims	BLOM283
	Civil Minutes - General: Withdrawal of Order Dated September 30, 2003, and Defendant's <i>Ex Parte</i> Application for an Order Compelling Attendance of Gregory Hasley at a Deposition is Denied Without Prejudice	BLOM284
	B&L's Responses to Defendant's Second Set of Interrogatories (No. 20)	BLOM285
	B&L's Responses to Defendant's Third Set of Requests for Production of Documents and Things (Nos. 201-250)	BLOM286
	B&L's Responses to Defendant's Second Set of Requests for Admissions (Nos. 29-89)	BLOM287
	Notice of Taking Non-Party Deposition of Dr. Mitchell A. Jackson	BLOM288
	Notice of Subpoena <i>Duces Tecum</i> to Akin Gump Strauss Hauer & Feld, LLP	BLOM289

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ADDITIONAL DOCUMENTS RELATED TO LITIGATION
BAUSCH & LOMB SURGICAL, INC. v. OASIS MEDICAL, INC.

Examiner's Initials	Document	Data CD Reference Number
	Notice of Voluntary Dismissal of Counterclaims Pursuant to Rule 41(a)(1)(i) Fed. R. Civ. P.	BLOM290
	Amended Notice of Deposition and Production of Documents of Non-Party Witness Alok Nigam Pursuant to Subpoena Dated 9-26-03	BLOM291
	Notice of Filing Under Seal Defendant's Memorandum of Points and Authorities and Declaration of Ben M. Davidson in Support of Defendant's Opposition to B&L's Motion to Strike and Dismiss the Allegations, Affirmative Defenses, and Counterclaims Asserted in Defendant's Answer to Second Amended Complaint and Counterclaims Pursuant to Fed. R. Civ. P. 12 and 15	BLOM292
	Appendix of Lexis and West Law Cases Cited by Defendant in Its Opposition to B&L's Motion to Strike and Dismiss the Allegations, Affirmative Defenses, and Counterclaims Asserted in Defendant's Answer to Second Amended Complaint and Counterclaims Pursuant to Fed. R. Civ. P. 12 and 15	BLOM293
	Declaration of Ben M. Davidson in Support of Defendant's Opposition to B&L's Motion to Strike and Dismiss the Allegations, Affirmative Defenses, and Counterclaims Asserted in Defendant's Answer to Second Amended Complaint and Counterclaims Pursuant to Fed. R. Civ. P. 12 and 15	BLOM294
	Defendant's Responses to B&L's Fifth Set of Requests for Production of Documents to Defendant (Set No. Five)	BLOM295
	Defendant's Responses to B&L's Third Set of Requests for Admissions (Set No. Three)	BLOM296
	Defendant's Responses to B&L's Third Set of Interrogatories to Defendant (Set No. Three)	BLOM297
	Objections by Non-Party Akin, Gump, Strauss, Hauer & Feld, L.L.P. and B&L to Defendant's Notice of Subpoena Duces Tecum and Requests for Production of Documents Contained Therein	BLOM298

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**ADDITIONAL DOCUMENTS RELATED TO LITIGATION
BAUSCH & LOMB SURGICAL, INC. v. OASIS MEDICAL, INC.**

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	B&L's Responses to Defendant's Third Set of Interrogatories (Nos. 21-25)	BLOM299
	B&L's Responses to Defendant's Fourth Set of Requests for Production of Documents and Things (Nos. 251-297)	BLOM300
	Notice of Withdrawal of B&L's Motion to Strike and Dismiss the Allegations, Affirmative Defenses, and Counterclaims Asserted in Defendant's Answer	BLOM301
	Stipulation for Temporary Stay in Order to Conduct Expedited Mediation; Proposed Order	BLOM302
	Order Granting Stipulation for Temporary Stay in Order to Conduct Expedited Mediation	BLOM303
	Civil Minutes - General: In Chambers Conference Call Discussing Status of Case	BLOM304
	Civil Minutes - General: In Chambers Settlement Conference Discussing Status of Case AND Settlement is Placed	BLOM305
	Final Judgment and Injunction	BLOM306
	Stipulation to Vacate Claim Construction Rulings Entered July 18, 2001 and July 19, 2002; Order	BLOM307

OTHER DOCUMENTS

Examiner's Initials	Document	Data CD Reference Number
	BARRAQUER, Editor, "Refractive Keratoplasty (Compilation Of Reprints) Volume 1," Instituto Barraquer de America, Bogata, Columbia, March 1970.	BLOM308
	BURATTA ET AL., Editors, "LASIK Principles and Techniques," SLACK Inc., Chs. 4, 6-7, 12-13, 23-24, 26-27, and 33, 1998.	BLOM309

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OTHER DOCUMENTS

Examiner's Initials	Document	Data CD Reference Number
	BURATTA ET AL., Editors, "LASIK Surgical Techniques and Complications," SLACK Inc., Chs. 4-8, and 13-20, 2000.	BLOM310
	GIMBEL ET AL., "LASIK Complications: Prevention and Management," SLACK, Inc., Chs. 3-5, and 9, 1999.	BLOM311
	MACHAT, "Excimer Laser Refractive Surgery," SLACK Inc., Chs. 8, 10, 12, and Appendices, 1996.	BLOM312
	MICROTECH, INC., Moria LASIK "One" Microkeratome Product Information, Bate Stamp Nos. BLOA004553-BLOA004556, http://www.microtechinc.com . ¹	BLOM313
	MORIA, LASIK "One" Microkeratome Product Information, Bate Stamp No. BLOA017127, http://www.moria-surgical.com , (accessed 10-20-2000).	BLOM314
	MORIA, LASIK "One" Microkeratome Product Information, Bate Stamp Nos. BLOA021123-BLOA021137, http://www.moria-surgical.com , (accessed 10-20-2000).	BLOM315
	MORIA, "LSK ONE Instruction Manual LSK-Classic "ONE" Microkeratome Head," Version ME-LKS ONE-VA-19/8/97, Bate Stamp Nos. OM20790-OM20826, 1997.	BLOM316
	MORIA, "LSK ONE Instruction Manual LSK-Classic "ONE" Microkeratome Head," Version ME-LKS ONE-VA-19/8/97, Bate Stamp Nos. MORIA003830-MORIA003868, 1997. (Alternate Version)	BLOM316A
	MORIA, "LSK ONE Instruction Manual Part 2/2 • LSK-ONE Microkeratome Head and Accessories," Version ME-ONE-VA-08/06/00, Bate Stamp Nos. MORIA000827-MORIA000852, 2000.	BLOM317
	MORIA, LSK One Microkeratome Product Brochure, Bate Stamp Nos. BL001108-BL001111.	BLOM318
	ROZAKIS, "Refractive Lamellar Keratoplasty," SLACK Inc., 1994. ²	BLOM319

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	SINGER, "Adjustable Power and Positioning Options Define New Microkeratome," Ocular Surgery News, Vol. 16, No. 21, November 1, 1998, Reprinted by SLACK Inc., 1998.	BLOM320
	SINGER, "Adjustable Power and Positioning Options Define New Microkeratome," Ocular Surgery News, Vol. 16, No. 21, November 1, 1998, Reprinted by SLACK Inc., 1998. (Alternate Version)	BLOM320A

- 1 Upon information and belief, the referenced document, bearing bate stamp numbers BLOA004553-BLOA4556, was available at least as early as April 4, 1997.
- 2 Selections from this reference were provided in the Information Disclosure Statement filed on May 22, 2003, however, the entire reference is provided herein.

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Examiner's Signature		Date Considered:	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw Line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.